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METHOD AND RESULTS OF PAROLE¹

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The methods of dealing with the violators of criminal laws have undergone a marked change in the past half century.

The earlier view seemed to be that for every criminal offense there could be meted out a measure of punishment which should fit the offense committed. Accordingly, statutes defining crimes fixed a minimum penalty and a maximum penalty for each offense committed beyond which the courts or the juries assessing the punishment could not go.

These penalties were affixed by the law-making body with no reference whatever to the individual who might offend and having in mind only the nature of the offense committed.

The court or jury, within the limits allowed by law, was charged with the duty of saying what an offender's punishment should be and how long he should be imprisoned for a given offense. Juries were often influenced by public clamor, moved by prejudice or fired with indignation against the offender, or they were touched with sympathy for him; courts acted without adequate information upon such facts as would enable them to understand the individual, his moral status and the spirit or motive behind the crime. The result was inequitable and, in many instances, unjust treatment, and certainly the procedure was, in the light of modern investigation and research, quite irrational.

After sentence was pronounced the offender was immured in prison for the purpose of punishment, not reformation. Punishment for the offense committed was the end and aim of imprisonment. It was administered chiefly, if not solely, for its deterrent effect. There was little thought of attempting reformation. Resort was had to very severe and oftentimes inhuman methods of punishment.

So prevalent and deep-rooted was the idea that the treatment of law violators should be purely punitive that those who first advocated any other basis of treatment were regarded as impractical sentimentalists.

It seems strange indeed to those who have observed the present methods of dealing with this problem of society that those who had

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to bear the burden of caring for these moral delinquents through the centuries of civilization made no rational effort to ascertain the underlying cause and to remove it by training and education.

We have now come to understand that men who are so lacking in self-control and those who are so morally deficient as to violate law need reformatory treatment rather than punishment. Mental, moral and industrial training while in custody, with conditional release and after-care, are being substituted for the humiliating, degrading and often brutal methods of punishment once accepted as the proper accompaniment of a prison sentence. An attempt is being made to protect society from crime by reforming the criminal.

One of the most effective measures in the work of reforming criminals is the application of the indefinite sentence usually known as the "indeterminate sentence." This, with proper prison administration—that is, the proper treatment of the individual while he is in custody, and the conditional release or "parole," together with proper care and supervision during the parole period—has amply justified itself by the results obtained.

There is some confusion in the public mind between the term "parole" as here used and "probation." There is a radical distinction between the two as applied to the treatment of criminals. A parole releases a man who has been sentenced to an institution conditionally before the expiration of his maximum sentence, while probation saves him from going to prison at all. Probation follows the withholding of sentence or the suspending of sentence by the court and gives the man "another chance" before he is sent to prison, while parole follows a period of training and education in the institution. It is a conditional release after the parole board is convinced that he is ready to be restored to society as a free member thereof.

Without the indefinite or indeterminate sentence it would be difficult to arrange a system of parole. While the underlying principle of the indefinite sentence is not new, it has not been generally applied to adult delinquents until in comparatively recent years. So far as America is concerned, the idea of so applying it originated with that eminent authority on prison management and methods of dealing with moral delinquents, Mr. Z. R. Brockway. When he was in charge of the Detroit House of Correction he procured the enactment of what became known as the "Three Years' Law." This has been termed "the beginning" and the bill before the Michigan Legislature of 1870-71 as "the first attempted application in America of the profound principle of the indeterminate sentence system, which substitutes both in the

laws and in prison practice reformatory in place of the usual punitive regime."

The indefinite or indeterminate sentence is recognized as one of the vital requisites in any successful scheme for the reformation of moral delinquents or moral defectives. When the penalty is made certain the offender feels that when he has served his sentence he has expiated his offense and is again free from obligation.

Theoretically the sentence should be wholly indefinite, with neither minimum nor maximum term prescribed. The legislature must, of course, prescribe the rules which are to govern organized society and provide what violations shall deprive an individual of his rights as a free member thereof. The court or jury cannot with certainty do more in the trial of a criminal case than to say whether the alleged offender has transgressed the rules or laws made for the protection of society so flagrantly that he should be deprived of his rights as a free citizen until such time as he may be taught a proper regard for them. Manifestly neither the legislature, the court nor the jury can say how long a time will be required or whether it will ever be possible to bring an offender to a state of moral responsibility which will make of him a useful, law-abiding citizen. The rational and logical course would be when an individual has been found guilty of violating the criminal laws made for the protection of society to commit him to the care and custody of the management of a properly conducted institution for the training and discipline that will render him fit to take his place again in society as a free citizen.

The indeterminate sentence was adopted in Indiana in 1897. Her constitution adopted, in 1816, declared that the penal code should be "founded on the principles of reformation and not of vindictive justice," but it was eighty-one years before these principles were enacted into statute law. As is usual in the case of any new departure, there was opposition to the law at first. It was attacked in the courts, but was sustained and is now generally accepted as a settled principle of Indiana's penal code.

When the indeterminate sentence and parole was enacted we had two prisons for men and one for women. A classification of prisoners was made. The institution at Jeffersonville was made a reformatory. Transfers were made between Jeffersonville and Michigan City prisons and all men not over thirty years of age, except those convicted of murder and treason, were confined in the reformatory, while those over thirty years of age were transferred to the prison at Michigan City. By a later law all life prisoners were sent to the state prison at Michigan City.

Along with this classification other changes were made which were designed to place the treatment of offenders upon a different basis. In 1899 the Board of Trustees of the reformatory was made bi-partisan. In 1905 trade schools were established, designed to teach prisoners a trade at which they could become self-supporting, and the labor of prisoners was limited to the manufacture of goods on state account. In 1907 uniform non-partisan boards and the selection of all employes on the merit system were provided for in all the institutions. All of these enactments were important steps in the change of the method of dealing with criminal offenders.

Our indeterminate sentence law applies to men over sixteen and to women over eighteen years of age. All persons convicted of felony are subject to its provisions except where the sentence is death or life imprisonment.

The Parole Board at both the reformatory and the state prison consists of the Board of Trustees. At the women's prison the superintendent, physician and chaplain are added. These boards pass each month upon the list of those inmates of their respective institutions who are eligible to parole under the law and the rules of the institution. They are allowed a wide latitude in granting paroles and in withdrawing paroled prisoners from liberty. Every effort is made to exclude every consideration except the status of the individual himself in passing upon a parole. The boards are prohibited by law from receiving or considering applications or petitions for parole other than the application of the prisoner.

No prisoner can now be paroled by the Parole Board until he has served his minimum sentence. He can be released at any time after the expiration of his minimum sentence. The test is that he has faithfully kept the rules of the institution, that he has gained the confidence of the management in his ability and willingness to keep the law if conditionally released, and that his parole is not contrary to the public sense of right in the community from which he was committed.

In considering paroles regard is had for the report of the superintendent and officers of the institution who have had charge of the prisoner, the record of his advancement in the work to which he was assigned and in the schools of the institution, his conduct record and the attitude of the man himself as disclosed by a personal interview and examination. His previous record, the history of his case and circumstances surrounding the commission of the offense, and all the information which it has been possible to obtain from the judge of the court and prosecuting attorney or other responsible persons are also considered. If in view of all the facts it is believed he will be a law-

abiding citizen, his parole is authorized. He is not released, however, until suitable employment is found for him at living wages. This is usually provided through friends. If they cannot procure it, it is found by the state agents. The paroled man is in no sense indentured. If his employment or his place of employment is found to be unsuitable he is free to change to any other proper employment. The sole purpose is to immediately put him in a useful and gainful pursuit in helpful surroundings to the end and that it may help him to rehabilitate himself.

The conditions of the parole are that the paroled prisoner shall obey the law faithfully, shall not associate with bad company or frequent questionable or disreputable places, and that he shall report regularly each month the amount of work he has performed, his earnings and expenditures, what reading he has done, and any other facts that will serve to indicate the manner in which he has spent his time and money, all of which must be certified by his employer or other responsible person. A failure to make the required reports or a violation of any of the conditions of his parole will result in his return to the institution. If he keeps the terms of his parole for a year and shows himself to be living right, he may be unconditionally discharged. If the members of the Parole Board are not fully satisfied with the showing he makes, his parole may be continued from year to year, within the maximum limit of his sentence, until such time as the board sees fit to discharge him.

One of the very important features of the parole system is the supervision given during the period of parole. An effort is made to visit the men and to keep in touch with them in a helpful way. This requires the assistance of a force of capable and intelligent agents—men who can help and encourage the paroled man in his effort to re-establish himself as a free citizen in the community.

The results of the operation of the indeterminate sentence and parole law in Indiana during the period of twenty-three years since its enactment, from April 1, 1897, to April 1, 1920, are very gratifying. Careful records have been kept by the institutions, and in recent years a summary has been sent to the Board of State Charities each six months. In twenty-three years there had been paroled from the three institutions where adult prisoners are sent, 13,864 persons. Of this number 8,826 observed faithfully the conditions of their parole and were discharged; the maximum sentence of 421 expired during the parole period, freeing them from supervision; 59 were pardoned; 211 died while on parole; 670 were still on parole and reporting on April 1, 1920; 2,018 were returned to the institutions for a violation of their

paroles, and 1,659 were delinquent and at large. The unsatisfactory cases constituted 26.5 per cent of the whole number paroled.

The earnings of these paroled prisoners makes a striking aggregate. It shows that, as a class, they were self-supporting and had in the aggregate a considerable saving at the end of the parole period. The total earnings of all paroled prisoners from all the institutions for the time they reported were \$4,671,251.51, as shown by a summary of their reports. Their expenses or legitimate expenditures were \$3,806,673.27, and their aggregate savings amounted to \$864,578.24. No attempt is made to show the earnings or savings except for the period that these men and women were under supervision, as no accurate record can be obtained.

OPERATIONS OF THE INDETERMINATE SENTENCE AND
PAROLE LAW, APRIL 1, 1897, TO APRIL 1, 1920.

	State Prison, Michigan City	Reforma- tory, Jef- fersonville	Woman's Prison, In- dianapolis	Total
Total number released on parole	5,430	7,992	442	13,864
Returned for violation.....	933	982	103	2,018
Delinquent and at large...	506	1,110	43	1,659
Served parole and granted discharge	3,491	5,134	201	8,826
Sentence expired during parole	145	249	27	421
Pardoned by governor while on parole.....	52	7	59
Died while on parole.....	85	117	9	211
Reporting April 1, 1920...	270	348	52	670
Total	5,430	7,992	442	13,864
Percentage of unsatisfactory cases	26.5	26.1	33	26.5
Earnings of paroled prisoners	\$1,962,468.50	\$2,690,819.30	\$17,963.71	\$4,671,251.51
Expenses while on parole.	1,565,343.25	2,227,341.22	13,988.80	3,806,673.27
Savings	\$ 397,125.25	\$ 463,478.08	\$ 3,974.91	\$ 864,578.24

It may be contended that without an adequate basis of comparison it cannot be said that these results under the indeterminate sentence and parole law are materially different from the results under the former methods. Upon this point, however, we feel sure of our ground. Many of the men who are convicted are wholly, or to a large extent, illiterate; many of them are lacking in habits of industry and have learned no trade or fixed occupation, and many of them are persons whose moral training has been neglected. Our institutions undertake to supply these deficiencies. That they are working on the

right lines and achieving results sought is attested by the fact that the number of unsatisfactory cases among the paroled men are fewer among the men under thirty years of age than among the older men paroled, whose habits and characters have become more fixed. Those who are connected with the reformatory work need no further evidence of its success than the interest shown and the different spirit manifested by the men when they are receiving the institutional training.

The success of the whole plan presupposes that its execution shall be in the hands of competent and qualified men, men who are capable of comprehending its scope and purpose. The superintendents of the institutions dealing with delinquents should be selected as we select the heads of educational institutions. To be successfully managed they must be divorced from politics.

The heads of the institutions and all the employes must be selected for their qualifications to do the work required of them and not because of political services which they may have rendered.

We in Indiana take pride in the fact that none of our institutions, either correctional or charitable, are any longer regarded as political spoils. A change politically in the state administration no longer means a change in the management of the state institutions. The boards have been made non-partisan and they are held responsible for the successful conduct of the institutions in their charge. Most of the legislation which has brought about this desirable result is attributable to the Indiana Board of States Charities.